GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – West Godavari District - Revision Petition filed by Smt. G. Annapurna W/o Satyanarayana, R/o Repalliwada(V), Polavaram(M), West Godavari District against the orders of the Agent to Government, West Godavari, dt:21-04-2010 in SRA. No.6/2007 with regard to Ac 1.09 cts in R.S. No. 176/2 at Repalliwada(V), Polavaram(M), West Godavari District – Dismissed – orders – issued.

SOCIAL WELFARE (TW.LTR-1) DEPARTMENT

G.O.MS.No. 109 **Dated: 23-11-2016**
Read the following:-

1. Revision Petition filed by Smt G. Annapurna W/o Satyanarayana, West Godavari District, dated:03.05.2010.
2. Govt.Memo.No.3382/TW.LTR-1/2010, dated.02.06.2010.
3. From the Agent to Government/ District Collector, West Godavari District, Eluru. Roc.No.2164/2011/F4, dt.27.07.2011.
4. Govt.Lr.No.3382/TW.LTR-1/2010, dated.03.05.2016.

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ORDER:-

In the reference 1st read above, Smt. G. Annapurna W/o Satyanarayana, R/o Repalliwada(V), Polavaram(M), West Godavari District has filed Revision Petition before the Government aggrieved by the orders of Agent to Government and District Collector, West Godavari District passed in SRA. No.6/2007, dt:21-04-2010 whereby he confirmed the orders of eviction passed by Special Deputy Collector of Tribal Welfare, Polavaram in S.R. No.7/2006 dt.17-01-2007 with regard to the land in Sy. No. 176/2 of Repalliwada Village, Polavaram Mandal measuring an extent of Acres 1.09 cts.

2. The Government, in the reference 2nd read above, have admitted the said Revision Petition and requested the Agent to Government, Eluru, West Godavari District to furnish the parawise remarks and connected records on the Revision Petition.

3. In the reference 3rd read above, the Agent to Government/ District Collector, Eluru, West Godavari District has furnished parawise remarks along with the connected records.

4. The claim of the Revision petitioner is that the Government to stay all the further proceedings including dispossession of the petitioner from land of Ac. 1-09 cts in R.S.No. 176/2 situated Repalliwada (V), West Godavari District and to pass orders allowing his revision petition.

5. The main grounds of this Revision Petition are:

i. The order of the agent to the government is illegal contrary to the law.
ii. The agent to the Govt. failed to see that the father Mothukuri Muttanna of the petitioner purchased the land from Bandi Venkata Rao on dt. 29.07.1962 vide registered sale deed and in possession of the said land of Ac. 1-09 cts in R.S.No. 176/2 situated at Repalliwada(V) and thereby he himself executed a will in favour of his daughter. i.e the petitioner herein on 09-08-1985.
iii. The court below should have seen that an acquisition by virtue of a will does not amount to transfer and it is only a legacy and the beneficiary is called as legatee under the will and the will not be called as transfer and the provisions of A.P.S.A.L.T Regulations does not apply to this case... etc.

(P.T.O)

6. The order of the primary authority i.e. Special Deputy Collector in brief is that in the case the land was transferred among the non-tribals which attracts the provision of Sec 2(g) transfer of APSALT Regulation 1/59 as amended by Regulation 1 of 1970. In this case, the land was transferred on 16.06.1971 after commencement of the act 1/70. As such the revision petitioner obtained the land by violation of provisions of APSALT. Regulation 1 of 1959 as Amended by Regulation 1/70.

7. The order of the Agent to Government is that, he after verifying the available records held that the father of the Gollapudi Annapurna, Mothukuri Muttan has purchased the schedule land from Sri Bandi Venkateshwara rao after regulation of 1/70 came into force which was on and from 03.02.1970, thus the transaction is void under the law and passed orders of confirmation of the orders of Special Deputy Collector.

8. Aggrieved by the said orders of Agent to Government, the present revision petition is filed. Now the point for consideration is whether the impugned orders of the lower authorities are sustainable under law or liable to be interfered with.

9. The matter having been stood over for consideration was adjourned from time to time and finally taken up for hearing and after hearing the arguments of Council for the revision petitioner on 14-05-2016, it has been observed that as per Ex. R2 which is E.C produced by the Special Deputy Thahsildar, Tribal Welfare, Polavaram is that the petition schedule land was sold by Bandi Venkata Rao on 16-06-1971 vide document no. 142/1971 of Sub-Registrar office Polavaram to Modupuri Muthanna who is father in-law of Revision Petitioner.

10. Therefore the sale deed in favour of the Modupuri Muthanna, who is a non-tribe from Bandi Venkata Rao is null and void, as executed after 03-02-1970.

11. As the sale deed in favour of M. Muthanna itself was hit Under Section 3(1)A and 3(2)a of LT Regulation, the Ex. R1 unregistered will by Muthanna in favour of G. Annapurna, the present Revision Petitioner is of no help to her. Hence the primary authority has correctly ordered to ejectment of revision petitioner and the same was confirmed by the Agent to the Government in appeal filed before him.

12. There is no infirmity found in the order of learned Special Deputy Collector or learned Agent to Government.

13. In the result the revision petition is dismissed.

14. The Agent to Government, West Godavari District, Eluru is requested to take necessary action in the matter accordingly.

15. The original record bearing SRA. No.6/2007 received from the Agent to Government/ District Collector, West Godavari District, Eluru, through reference 3rd read above, is returned herewith and he is requested to acknowledge the receipt of the same immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.P. SISODIA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector & Agent to Government, West Godavari District, Eluru (w.e. original record)
The Special Deputy Collector(TW), Polavaram, West Godavari District.
The Mandal Revenue Officer, Polavaram Mandal, West Godavari District.

(Cont..)

Copy to:
Sri Naram Nageswar Rao, Advocate, Flat No. 201, A.M.R. Residency, Street No.1, Chikkadpally, Hyderabad-500038.
Smt. Gollapudi Annapurna W/o Satyanarayana, R/o Repalliwada(V), Polavaram(M), West Godavari District.
The P.S to Hon'ble Minister (SWE & TWE) for information.
The P.S to Principal Secretary to Government (TW).
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER